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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|---------------------------|-----------------------|------------------|
| 10/517,153 | 12/06/2004 | Lasse Wesseltoft Mogensen | 12706-9 | 5568 |
| 757 | 7590 | 03/09/2006 | EXAMINER | |
| BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610 | | | KOHARSKI, CHRISTOPHER | |
| | | ART UNIT | | PAPER NUMBER |
| | | 3763 | | |

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/517,153 | MOGENSEN ET AL. | |
| | Examiner | Art Unit | |
| | Christopher D. Koharski | 3763 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 January 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) 1-22 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12/6/2006 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/6/06, 7/18/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) that was submitted on 12/6/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the abstract exceeds the 150-word maximum allowed and contains several legal terms ("said"). Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: The specification lacks the descriptive titles used in US applications ("Summary of invention, Brief description of drawings....etc).

Appropriate correction is required.

Claim Objections

Claim 1 objected to because of the following informalities: The "...first and second end of the tubing..." is ambiguous, as seen in Figure 6 the tube ends are not present at all in the first and second end of the securing elements.

Claims 1-22 are objected to because of the following informalities: Examiner requests that the reference numerals be removed from the claim.

Claims 2 and 4 are objected to because of the following informalities: The use of the term "preceding claim" is ambiguous, please reference the claim intended. For the purpose of examination, Examiner will reference the previous numbered claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10-19, and 21-25 are rejected under 35 U.S.C 103(a) as being unpatentable over Teissen-Simony (5,522,803) in view of Wilder et al. (4,606,735). Teissen-Simony meets the claim limitations as described above but does not include a second element for fixing the tubing as disclosed.

However, Wilder et al. teaches a medical tubing holder. Regarding claims 1, 3-5, 10, 12, 14, 21, and 25, Teissen-Simony discloses a cannula housing, cannula, and flexible tubing, all in fluid communication (Figure 1). Wilder et al. teaches a medical

tubing holder that comprises a first and second end (20,21) that is composed of a flexible material wherein parallel runs of tubing can be inserted in that the ends are displaced inward upon movement of the tubing (Figure 5). The tubing is movable as described in the disclosure to control tubing stress (Figure 4, col 2).

Regarding claims 2, 6, 8, 11, 13, 15, 17, 19, and 22, Wilder et al. teaches the use of a holder mechanism that contains two bores (H1, H2) or guides that hold the tubing interiorly, have a means for preventing tube removal (Figure 5) and promotes holding on of the tubing with connection means (c).

Regarding claims 7, 16, 18, and 23, Teissen-Simony discloses a source coupling element (Figure 2) and Wilder et al. teaches the use of a tubing holding element with a source connection and a cannula connection (Figure 5, (c)).

At the time of the invention, it would have been obvious to use the system of Teissen-Simony with the tubing holder of Wilder et al. because the addition of the tubing holder provides the assembly with the tube stress relief, tube extension control, and tubing support on the patient. Both references are analogous in the art and with the instant invention; therefore, a combination is proper. Therefore, one skilled in the art would have combined the teachings in the references in light of the disclosure of Wilder et al.

Claim Rejections - 35 USC § 103

Claims 9 and 20 are rejected under 35 U.S.C 103(a) as being unpatentable over Teissen-Simony in view Wilder et al. in further view of White (5,643,216). Teissen-

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Simony and Wilder et al. meet the claim limitations as described above but does not include three parallel courses of tubing.

However, White teaches a patient tubing bracelet. Regarding claims 9 and 20, White teaches the an IV tubing system that has three parallel tubing courses and is capable of creating several more courses through its guide and bore system (Figure 5).

At the time of the invention, it would have been obvious to use the system of Teissen-Simony with the guide channels of White because the addition of the additional guide channels provides more precise tubing control and allows for several more tubing configurations for adaptability. Both references are analogous in the art and with the instant invention; therefore, a combination is proper. Therefore, one skilled in the art would have combined the teachings in the references in light of the disclosure of White.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher D. Koharski whose telephone number is 571-272-7230. The examiner can normally be reached on Monday through Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

2/23/06
[Date]


Christopher Koharski
Examiner
Art Unit 3763


CHRISTOPHER KOHARSKI
EXAMINER
ART UNIT 3763